

TITLE 40 -- PROTECTION OF ENVIRONMENT > CHAPTER I -- ENVIRONMENTAL PROTECTION AGENCY > SUBCHAPTER D -- WATER PROGRAMS > PART 146 -- UNDERGROUND INJECTION CONTROL PROGRAM: CRITERIA AND STANDARDS > SUBPART A -- GENERAL PROVISIONS

This document is current through the June 24, 2020 issue of the Federal Register with the exception of the amendment appearing at 85 FR 37785. Title 3 is current through June 5, 2020.

§ 146.4 Criteria for Exempted Aquifers

An aquifer or a portion thereof which meets the criteria for an "underground source of drinking water" in § 146.3 may be determined under § 144.7 of this chapter to be an "exempted aquifer" for Class I-V wells if it meets the criteria in paragraphs (a) through (c) of this section. Class VI wells must meet the criteria under paragraph (d) of this section:

- (a)** It does not currently serve as a source of drinking water; and
- (b)** It cannot now and will not in the future serve as a source of drinking water because:
 - (1)** It is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible.
 - (2)** It is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical;
 - (3)** It is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or
 - (4)** It is located over a Class III well mining area subject to subsidence or catastrophic collapse; or
- (c)** The total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.
- (d)** The areal extent of an aquifer exemption for a Class II enhanced oil recovery or enhanced gas recovery well may be expanded for the exclusive purpose of Class VI injection for geologic sequestration under § 144.7(d) of this chapter if it meets the following criteria:
 - (1)** It does not currently serve as a source of drinking water; and
 - (2)** The total dissolved solids content of the ground water is more than 3,000 mg/l and less than 10,000 mg/l; and
 - (3)** It is not reasonably expected to supply a public water system.

[[45 FR 42500](#), June 24, 1980, as amended at [47 FR 4998](#), Feb. 3, 1982; [48 FR 14293](#), Apr. 1, 1983; [75 FR 77230, 77291](#), Dec. 10, 2010]